

SUPREME COURT OF WISCONSIN

In the Matter of the Amendment of
Supreme Court Rules: (Proposed)
SCR 31.02(3), 31.065 and 31.07(6) --
Guardian ad Litem Legal Education

ORDER
No. 96-13

The court held a public hearing March 18, 1997 on the petition of the Judicial Council of Wisconsin requesting the adoption of rules establishing continuing legal education attendance requirements of lawyers in order to be eligible to accept appointment as a guardian ad litem for a minor in a proceeding under Chapter 48, 767 or 938 of the statutes. The court has considered the presentations at that public hearing and the materials submitted in the matter, including the revised rule proposed for adoption addressing the concerns expressed by the court at conference held immediately following the public hearing.

IT IS ORDERED that Chapter 35 of the Supreme Court Rules is created to read:

SCR CHAPTER 35

ELIGIBILITY FOR APPOINTMENT
AS GUARDIAN AD LITEM FOR A MINOR

1. SCR 35.01 Eligibility to accept an appointment.

Commencing on July 1, 1999, a lawyer may not accept an appointment by a court as a guardian ad litem for a minor in an action or proceeding under chapter 48, 767 or 938 of the

statutes unless one of the following conditions has been met:

(1) The lawyer has attended 30 hours of guardian ad litem education approved under SCR 35.03.

(2) The lawyer has attended 6 hours of guardian ad litem education approved under SCR 35.03 during the combined current reporting period specified in SCR 31.01(7) at the time he or she accepts an appointment and the immediately preceding reporting period.

(3) The appointing court has made a finding in writing or on the record that the action or proceeding presents exceptional or unusual circumstances for which the lawyer is otherwise qualified by experience or expertise to represent the best interests of the minor.

2. SCR 35.02 Effect of acceptance. A lawyer's acceptance of appointment as a guardian ad litem for a minor in an action or proceeding under chapter 48, 767 or 938 of the statutes constitutes the lawyer's representation to the appointing court that the lawyer is eligible to accept the appointment under SCR 35.01 and is governed by SCR 20:3.3.

3. SCR 35.03 Approval of guardian ad litem education.

(1) The board of bar examiners shall approve courses of instruction at a law school in this state and continuing legal education activities that the board determines to be on the subject of the role and responsibilities of a

guardian ad litem for a minor or on the subject matter of proceedings under chapter 48, 767 or 938 of the statutes and that are designed to increase the attendee's professional competence to act as guardian ad litem for a minor in those proceedings. The board of bar examiners may only approve courses of instruction or continuing legal education activities that are conducted after January 1, 1995.

(2) The board of bar examiners shall designate, under SCR 31.05(3) and 31.07, the number of hours applicable to SCR 35.01(1) and (2) for each approved course of instruction and continuing legal education activity.

(3) Approval of a course of instruction or continuing legal education activity under sub. (1) constitutes approval of that course or activity for purposes of continuing legal education under SCR chapter 31.

(4) The procedure for obtaining approval of courses of instruction and continuing legal education activities is specified in SCR 31.08.

IT IS FURTHER ORDERED that a review of the operation of SCR chapter 35 shall be conducted in July, 2001 or the year following, as the court may direct.

IT IS FURTHER ORDERED that notice of this amendment of the Supreme Court Rules shall be given by a single publication of a copy of this order in the official state

newspaper and in an official publication of the State Bar of Wisconsin.

Dated at Madison, Wisconsin, this 17th day of April, 1997.

BY THE COURT:

Marilyn L. Graves, Clerk